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April 7, 2015

**VIA ECF TO:**

The Honorable Brian M. Cogan  
United States District Court, Eastern District of New York  
225 Cadman Plaza South, 704S  
Brooklyn, NY 11201

**Re: Huebner v. Midland Credit Management, Case No. 14-cv-06046-BMC**

Dear Judge Cogan:

As Your Honor knows I represent the Plaintiff in this action.

By Order dated February 11, 2015 (the "Order") Your Honor directed that on or before February 18, 2015 my client and I show cause why this Court should not dismiss the action, award fees and costs, or issue sanctions pursuant to Rule 11. Subsequently, Your Honor granted Plaintiff's two requests for an extension of Plaintiff's deadline to show cause. (By letter dated March 2, 2015, Defendant without addressing its standing objected to Plaintiff's second request for an extension).

By electronic order dated March 2, 2015, Your Honor extended Plaintiff's deadline to March 18, 2015, wherein on that date, Plaintiff and his counsel duly filed their Response with Memorandum and their Motion pursuant to FRCP Rule 60(b)(1), (3), and (6) to vacate the Memorandum Opinion and Order to Show Cause dated February 11, 2015; and 28 U.S.C. §§ 144 and for reassignment of this case; and 28 U.S.C. § 1292 for leave to appeal before the entry of a judgment or any sanction, if any part of this application is denied.

On April 3, 2015, **sixteen** days after Plaintiff duly served his motion; Defendant served its opposition, in contravention of Local Civil Rule 6.1 (b) (2), wherein, "any opposing affidavits and answering memoranda shall be served within **fourteen** days after service of the moving papers".

Pursuant to Local Civil Rule 6.1 (b) (3) "any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers. Thus, pursuant to this rule Plaintiff's would be required to serve his reply to Defendant's belated opposition on or before April 10, 2015.

Without waiving objections to Defendant's lack of standing or its untimely opposition, Plaintiff requests that his time to serve a reply be extended to April 24, 2015 for the following reasons:



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Notably, Defendant filed its opposition (introducing new facts) on Friday afternoon of April 3, 2015, the eve of Passover. Due to the Passover holidays my office is closed from April 3, 2015 thru April 12, 2015. This was communicated to Mathew B. Johnson, counsel for Defendant. However, he refused to consent to an extension beyond April 17, 2015.

Moreover, due to the Passover break, immediately following the holiday, my office and the undersigned are inundated with preexisting deadlines and scheduled appointments. Thus, Plaintiff for the first time is requesting that his time to serve his Reply be extended to April 24, 2015, and that Plaintiff's motion be made returnable accordingly.

Respectfully,

POLTORAK PC

/ s / Elie Poltorak

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Elie Poltorak

EP:yw